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Filing date: **06/16/2010**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92052435
Party	Defendant Arwin Bio-Tech. (Taiwan) Co., Ltd.
Correspondence Address	LIN-YUN CHENG PRO-TECHTOR INTERNATIONAL SERVICES 20775 NORADA CT SARATOGA, CA 95070 UNITED STATES linyun@pacbell.net
Submission	Answer
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Date	06/16/2010
Attachments	10-6-16-AnswerAsFiled.pdf (4 pages)(44167 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Registration No. 3629849

The Saul Zaentz Company,)	
A California Corporation,)	Cancellation No.: 92052435
)	
Petitioner,)	ANSWER TO CANCELLATION
V.)	
)	
ARWIN BIO-TECH. (TAIWAN) CO., LTD.)	
Taoyuan, Taiwan,)	
)	
Registrant.)	
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To: BOX TTAB (NO FEE)
Commissioner for Trademarks
P. O. Box 1451
Alexandria, VA 22313-1451

REGISTRANT'S ANSWER

Registrant, ARWIN BIO-TECH. (TAIWAN) CO., LTD., a corporation organized and existing under the laws of TAIWAN, Republic of China, for its answer to the above mentioned Petition for Cancellation, pleads and avers as follows:

1. Registrant does not have sufficient knowledge or information to form a belief as to the allegations contained in paragraphs 1 through 8 of the Petition for Cancellation, and accordingly denies the allegations.

2. Registrant denies the allegations contained in paragraph 9 of the Petition for Cancellation.

3. Registrant does not have sufficient knowledge or information to form a belief as to the allegations contained in paragraphs 10 through 20 of the Petition for Cancellation, and accordingly denies the allegations.

4. Registrant denies the allegations contained in paragraphs 21 through 33 of the Petition for Cancellation.


5. Registrant does not have sufficient knowledge or information to form a belief as to the allegations contained in paragraph 34 of the Petition for Cancellation, and accordingly denies the allegations.

6. Registrant denies the allegations contained in paragraph 35 of the Petition for Cancellation.

7. Registrant does not have sufficient knowledge or information to form a belief as to the allegations contained in paragraph 36 of the Petition for Cancellation, and accordingly denies the allegations.

8. Registrant denies the allegations contained in paragraphs 37 through 41 of the Petition for Cancellation.

9. Registrant further affirmatively alleges that there is no likelihood of confusion, mistake and deceive in present situation because Registrant's mark is not confusingly similar to the pleaded marks of Petitioner. The pleaded marks of Petitioner are text only marks. On the other



hand, Registrant's mark  consists of two Chinese characters, the wording "ARWIN" and a stylized "A" design. Registrant's mark and Petitioner's marks are very distinguishable and represent totally different business impressions.

10. Registrant further affirmatively alleges that there is no likelihood of confusion, mistake and deceive in present situation because the goods covered by the Petitioner's registered mark are far different from those of Registrants'. Petitioner's goods are registered in International

Classes 9, 14, 16, 20, 21, 25, 26 and 28. Registrant's goods are cosmetics belong in International Class 3. None of the goods recited in those registrations are related with Registrant's goods cosmetics. Both parties' products are so vastly different that prospective purchasers of Petitioner's products would not expect that the products would emanate from the Registrant.

11. Registrant further affirmatively alleges that there is no dilution of Petitioner's mark.

Registrant has adopted and used its  mark since early 1980. Registrant has registered

its  mark in many different countries since then. Registrant's mark  was well known and famous.

WHEREFORE, Registrant prays that the Petition for Cancellation be dismissed in its entirety, and that the Registration No. 3629849 kept in force.

Date: June 16, 2010

Telephone: (408) 255-4976
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CERTIFICATE OF SERVICE

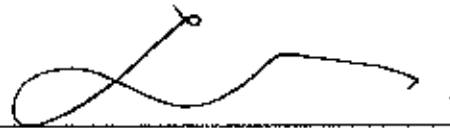
The undersigned hereby certified that the foregoing ANSWER TO OPPOSITION is being deposited with the United States Postal Service, as first class mail, with postage prepaid, in envelop addressed to the following:

Michael A Grow, Esq.
Arent Fox LLP
1050 Connecticut Avenue, NW
Washington, DC 20036

I declare, under penalty of perjury, that the foregoing is true and correct.

Date: June 16, 2010

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